

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMAL P.I. BEAVERS,

Plaintiff,

v.

DELGADO, et al.,

Defendants.

No. 2:22-cv-00577-DAD-DB (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
THIS ACTION DUE TO PLAINTIFF'S
FAILURE TO PROSECUTE AND FAILURE
TO OBEY COURT ORDERS

(Doc. No. 5)

Plaintiff Jamal P.I. Beavers is a former county jail inmate proceeding *pro se* in this civil rights action brought pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On September 26, 2022, the assigned magistrate judge issued findings and recommendations recommending that this action be dismissed, without prejudice, due to plaintiff's failure to prosecute and failure to obey court orders. (Doc. No. 5.) In particular, on July 20, 2022, the court ordered plaintiff to submit a complete application to proceed *in forma pauperis* and advised plaintiff that his failure to comply with that order would result in a

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1 recommendation that this action be dismissed. (Doc. No. 4.)¹ Plaintiff did not submit a
2 completed application as directed, or otherwise communicate with the court. The pending
3 findings and recommendations were served on plaintiff at his address of record and contained
4 notice that any objections thereto were to be filed within twenty-one (21) days after service.
5 (Doc. No. 5 at 1–2.) To date, no objections to the findings and recommendations have been filed,
6 and the time in which to do so has now passed.²

7 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
8 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the
9 findings and recommendations are supported by the record and by proper analysis.

10 Accordingly:

- 11 1. The findings and recommendations issued on September 26, 2022 (Doc. No. 5) are
12 adopted in full;
- 13 2. This action is dismissed, without prejudice, due to plaintiff's failure to prosecute
14 this action and failure to obey court orders; and
- 15 3. The Clerk of the Court is directed to close this case.

16 IT IS SO ORDERED.

17 Dated: January 4, 2023

18 
UNITED STATES DISTRICT JUDGE

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24 ¹ The service copy of the court's July 20, 2022 order was mailed to plaintiff at his address of
25 record and was returned to the court marked as "Undeliverable, Not in Custody." Thus, plaintiff
26 was required to file a notice of his change of address with the court no later than October 31,
27 2022. To date, plaintiff has not filed a notice of his change of address or otherwise
28 communicated with the court.

² The service copy of the findings and recommendations, which was mailed to plaintiff at his
address of record, was also returned to the court marked as "Undeliverable, Return to Sender."